

## **Minutes**

### **Amherst Charter Commission meeting of February 8, 2017**

Members present: Andy Churchill, Tom Fricke, Meg Gage, Nick Grabbe, Mandi Jo Hanneke (departed 7:33pm), Irv Rhodes (by remote audio, connected in at approximately 7:40), Julia Rueschemeyer, Diana Stein, Gerry Weiss. Members Absent: None. Collin Center: Tanya Stepasiuk and Michael Ward. In attendance: Maurianne Adams, Claire Bertrand, Elisa Campbell, Jackie Churchill, Amy Gates, Irma Gonzalez, Michael Greenebaum, Jerry Guidera, Larry Kelley, Ray Laraja, Kay Moran, Ted Parker, Chris Riddle, Andy Steinberg, Walter Wolnik.

## **AGENDA:**

Charter Commission – Wednesday, February 8, 2017 5:30pm, Amherst Police Station Community Room

1. Call to order, approve agenda, approve minutes (5 minutes)
2. Public comment (5 minutes)
3. Consider new proposals for possible consensus (15 minutes)
4. Mayor, manager, or combination in executive (1 hour)
5. Public comment (10 minutes)
6. Charter language drafting, various articles (2 hours, 10 minutes)
7. Planning for upcoming meetings (15 minutes)
8. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
9. Adjourn

Meeting called to order at 5:35PM. The previous minutes are approved by consensus.

## **PUBLIC COMMENT**

Elisa Campbell: Wants to have form of government with clarity of responsibility. The people in charge need to have authority to make decisions. All bodies should be covered by conflict of interest and open meeting laws. Prefers mayor-council structure, can emulate Northampton. Is prepared to be “agnostic” about executive if mayor-council doesn’t meet standards.

## **CONSIDER NEW PROPOSALS FOR POSSIBLE CONSENSUS**

Churchill: At the end of last meeting there was interest expressed for “last chance” at proposal with greater than 5-4 support. Agreed to take 15 minutes to bring proposal to table. Not necessarily debate.

Gage (distributes proposal): Drafted proposal today. Compromise doesn’t necessarily mean everything smushed together. It means you gain more than you lose. This is a proposal for a town meeting of 60 members. It meets 10-12 times/year in conjunction with neighborhood associations. Neighborhood associations give people an advisory role in relation to town meeting members. Associations would engage in town and neighborhood issues. Additionally, the Select Board can have a first selectperson. There is true compromise in proposal because it would create an “unrecognizable” town meeting compared to current town meeting. Amherst isn’t big enough for city council structure. Never saw town meeting as “representative,” and an elected body won’t ever likely directly reflect diversity of the population. The second meaning of representative means to represent constituents. This an important point and one reason for why proposal is a compromise. Seeks to avoid minority report in favor of larger majority support of single proposal. Says Commission is very split on mayor-manager.

Weiss: This is an effort to achieve a consensus to take to voters. Commission has discussed that Amherst has “participatory government.” It is best for Amherst to switch to either true participatory government,

such as open town meeting, or a more representative form of town meeting. Proposes to greatly reduce town meeting size, ideally 90 or maybe 60 members if that's more appealing to Commission. Previously discussed additions like voting records and neighborhood associations would be included. There is a lack of information regarding what is possible. Has consulted with David Sullivan, special counsel for Stan Rosenberg, and "Charter Commission doesn't need special act to accomplish first selectman statute." 43b section 20 gives Charter Commission way to propose a first selectman. Concludes that anything retaining town meeting is agreeable.

Stein: Currently working off David Sullivan's comments. Contacted Rosenberg because she desired "greater latitude" in contemplating government form. Believes proposal to be more of a compromise. The real, not ceremonial mayor would help to select the town manager. The town manager would control day-to-day operation, while the mayor would be responsible for vision in addition to being an ex-officio member of boards and committees. The Select Board with 5 members would have some executive and legislative functions.

Churchill: Select Board or Council?

Stein: Either one. Main thing is to preserve town meeting. Can be persuaded to go 1/4 size of current Town Meeting if it creates compromise. Perhaps representatives can run "office-hour like events." Additionally, there would be more frequent town meetings, but for shorter periods of time, which shouldn't be onerous for committed elected officials. Town Manager is important.

Grabbe (to Gage): Would zoning, budget, and bylaws be a function of Town Meeting or Select Board or approved by both?

Gage: "Town meeting can be overridden" by "extraordinarily large majority." Ideally zoning is done another way. A bigger majority of Commission members favoring a proposal is better. Tough to get all the details in 15 minutes.

Weiss: With bicameral legislature, Council could override Town Meeting.

Churchill: The goal is to ascertain if we can get 6 votes for a new proposal. Are people inclined to pursue a new direction? Give short explanations if you want to.

Hanneke: Appreciates efforts of Gage, Stein, and Weiss. Doesn't see these proposals as superior structure. Seeks to propose best structure to voters. The reason for her disagreement is executive branch not legislative. "Multi-body executive" has not served Amherst well. Can't agree to a proposal that includes that. Bicameral is interesting, but Amherst would be only one in the nation to possess one. There must be a reason for that. It's not feasible.

Rueschemeyer: Everett had one, so it is feasible.

Stein: When you restrict town government to a few people you "exclude diversity big-time." Drawing people from minority groups into government with neighborhood associations is beneficial. There is danger in putting too much power in one person. Day to day governing can't be vetoed by town council. Would the executive have too much unchecked power in the composition of departments?

Fricke: Appreciates "spirit of compromise." Has done a lot of thinking regarding a smaller town meeting, but favors going forward with current proposal. Prefers offering the voters a "clean, council-based" model. Believes it to be best. A compromise model will likely please few voting blocs. Additionally, a

minority report isn't a sign of dysfunction. It is healthy and good for the minority report to provide in-depth methods to reform town meeting, particularly if majority proposal fails.

Grabbe: Recognizes Gage has made a "significant concession" on size of town meeting. Worries bicameral structure will lead to gridlock. Wants a clear choice for voters. Past Commissions have brought compromises forward, and the result has been unsuccessful. Mayor-council systems elsewhere work well. Neighborhood councils are a great idea but they may be a "duplication" of town meeting. Currently, representatives serving a constituency are absent from Amherst politics.

Churchill: Agrees with Hanneke, Fricke and Grabbe. A combination of open town forums, neighborhood caucuses, and citizen committees allow all types of people to get involved better than they currently can. Worried about executive that diffuses decision-making authority. There is currently a backlog of projects and lack of shared vision in Amherst. Compromise can come from structuring the ways of engaging neighborhoods. Unsurprised by split vote, since Commissioners were elected to represent different views.

Rueschemeyer: Didn't come to Commission with set opinions. Acknowledges everyone has tried to deliberate, but believes Commission can do better. Doesn't like 60-person town meeting proposal, but would agree to it. Believes 240 is a good number for town meeting. There are 28 candidates for the upcoming Precinct 9 election, which evidences citizen involvement in the town meeting form of government.

Gage: Frustrated with the current Commission situation. Believes pro-town council members are throwing away opportunity to have a larger majority of the Commission supporting one thing. States she is "happy to go with unitary executive." Trying hard to not have minority report. Will write a compelling minority report, but feels it is a shame not to agree on a creative option. Adds she was not elected to represent anyone, but rather for thinking and focus. Has a personal goal not to inflame fracture in town.

Weiss: Agrees with much of Gage's comments. The last town meeting has "fired up" Amherst residents. Hot issues will bring out more voter involvement no matter what the government type is. Believes mayor-council system will be exciting at first, but then it will "plod along" just like with the current government-citizen relationship. Stresses the Commission is "losing big opportunity to create something big and new."

Rhodes: States there are a "lot of bones and very little meat" in the proposals. We lack sufficient details for the current structure. Believes manager-council system can come together. Stipulations in the new charter can say the Council has to develop town priorities on 3-year basis and review and publicize results or lack thereof. Worries voters will not accept a mayor as part of proposal.

Churchill: Reiterates purpose of discussion was to see if we could obtain a majority beyond 5-4. Not seeing a 6-person agreement on new direction, so we need to move on with the council form.

Gage: Appreciates time given, and is willing to work proposal further. It is impossible to make a decision in such a short amount of time.

## **MAYOR, MANAGER, OR COMBINATION IN EXECUTIVE**

Churchill: No time to explore further. "Need to make progress on a model" because detailed proposal due in July. Appreciates effort and creative suggestions. Hopes to take vote on manager vs. mayor today so Commission can begin to draft language. Commission has discussed 3 options previously. Mayor, manager, and Newton option of mayor with a subordinated chief administrative officer.

Stepasiuk: There is a trend of including the delineation of subordinated administrative position in Charters. Mayors tend to appoint the administrative officers. Additionally, another option is the Cambridge model. The mayor comes from the council, with professional town manager hired as well. 3 cities have that in Massachusetts: Cambridge, Lowell, and Worcester.

Rhodes: Unequivocally prefers town manager.

Weiss: Would lean toward mayor if there was a town meeting, but leans towards manager now. A mayor is very dependent on quality of selection. The council doesn't have adequate check and balance on mayor.

Gage: Leaves "compromise mode," and strongly favors town manager. Amherst's challenges require an attention span longer than 4 years.

Rueschemeyer: Strongly favors mayor with administrative officer. There aren't 2 branches of government if the council chooses the manager. There are no checks and balances. Amherst's Town Manager didn't lead the town on the recent elementary schools issue. You are "shutting off democracy" by not electing a mayor. Says that there is only 1 female town manager in Massachusetts.

Churchill: Agrees with Rueschemeyer. Council-manager form would just have council telling manager what to do. 13 people would have to come together around vision and priorities, and also be the legislature. Amherst has had some good managers, some not so good. It is easier to remove bad mayor than a bad manager. "Voters are the ultimate check and balance." A better communication network from neighborhoods to council reps and mayor can generate vision.

Grabbe: Has compiled list of 10 arguments for mayor, and 10 for manager. Uneasy about having mayor, but there would be authority and accountability vested in same person. Mayor and administrative officer is first choice.

Fricke: Rueschemeyer is persuasive. Has talked to political science department at UMass Amherst and believes a 13-person council needs someone as a balance. An elected mayor is transparent, clean, accountable, and easy to follow. It is common and reasonable for voters to elect a mayor. Whose fault is it with a 13-member council and manager when things don't go right? Believes Charter also has to include an explicit role of assisting the mayor.

Stein: Agrees with Fricke's last point. Wants a strong town manager "in the mix." It is good for longevity, and you can get rid of a town manager faster than a mayor.

Hanneke: Agrees with Rueschemeyer, Churchill, and Fricke. First choice is a mayor without any mention in the Charter of administrative assistance. However, she has written and now distributes potential drafts of language for what to do with the administrative position. Biggest concern is not to dilute the power of the mayor. Recognizes concern about how mayor hires department heads, and distributes a language draft for this too. Supports a council with 9 members or less if there is a weak mayor or no mayor.

## **PUBLIC COMMENT**

Larry Kelley: Historical town meeting election turnout shows that Charter Commissions voting to remove town meeting is what sparks interest in supporting it. Says the inclusion of a weak mayor with a strong town manager is what cost the other town charter proposal voter approval. Remembers Mayor Narkewicz advising not to go with a "fake" mayor, and Sullivan point blank saying to duplicate Northampton government.

Walter Wolnik: There has been a huge disruption in the Commission schedule. The Collins Center had provided a timeline of topics. He is interested in April topics. Has the timeline been revised?

Ward: We will revise the timeline at end of meeting.

Wolnik: Understood. Seeks to contribute to future discussion of Master Plan implementation.

Maurianne Adams: There is an inherent constituency issue: neighborhoods can't be a constituency for a single representative since neighborhoods aren't single-minded. Neighborhoods are as split on town issues as the town as a whole. You need multiple representatives from neighborhoods. It is illogical for the Commission to view constituencies as it does. Neighborhood councils should inform town meeting representatives. Predicts neighborhoods will become uninterested in talking to a single council representative. Additionally, disagrees with Churchill. We are talking about a vote between two new ideas, not old-with-tweaks vs. new.

Michael Greenebaum: Has lived under 5 manager-council government forms. When talking abstractly you forget you are talking about individuals. Where do the candidates come from for mayors? What is the role of money and influence? Chances are the same kind of issues with town meeting will arise for a 13-person council, and a 2-tiered council is especially problematic. The '94-96 Commission compromised too much. A hybrid form of government is strong because checks and balances restrain individual accumulation of power. Seeks built-in stability.

Chris Riddle: Agrees with Adams and Greenebaum. Interested in town manager due to continuity. Would chief executive officer have a longer tenure than the mayor? That would be ideal, because professional expertise is very important.

Claire Bertrand: Appreciates Commission's work. The goal of professional leadership can be found in mayoral candidates. Commends Greenebaum and others in room for work and suggests any of them could effectively be mayor. Recognizes fear of corruption but public office brings transparency. Stability is what we have now, but the community has asked to form Commission because Amherst needs a new, significantly different option.

Jackie Churchill: A mayor comes from the community, while a town manager doesn't necessarily. A mayor is elected by the community, and thus there is a deep level of involvement and trust.

Ray LaRaja: Studies government as a professor and believes a mayor brings greater accountability. A town manager would "serve several masters," which is difficult to do. Politics is how marginalized people get their voices heard. A mayor brings vigor and unity of command to make decisions. A mayor has legitimacy and greater capacity to forge coalitions. Elected officials are better known, and have the capacity to be educators and mobilizers for public. Cites fact that mayor-elections bring increased turnout compared to other forms of government. Estimates that \$25,000-50,000 will be spent on Amherst mayoral race, which isn't a huge amount of money. Spending that money also gets voters informed. Recognizes that town managers will have greater professional expertise. Good mayors delegate and should have mandates.

Andy Steinberg: Concerned no one is looking at models outside of Massachusetts. The most common form of municipal government involves managers, mayors, and councils. Is the manager accountable to elected officials and still able to bring expertise? A weak mayor is weak because they are ineffective. You can have council-manager form of government with a strong mayor, or a council-mayor form of government with a weak mayor. Personnel management is one of the most important functions. There is a substantial risk that a mayor can be eaten up by strong department staff.

Kay Moran: Strongly in favor of manager. It has worked for Amherst for 63 years. 2 of 5 managers didn't work out, and were encouraged out. Managers provide stability and continuity, councils can provide leadership, and thus she seeks a council with manager. There is no guarantee a mayor will come from the community.

Amy Gates: Strongly in favor of mayor, and agrees with Bertrand. Amherst needs a very different alternative. In the fall she was confused about the elementary school construction proposal. Contacted Moderator of Town Meeting and the Select Board and received two different, obscure answers. Hears that Town Meeting is democratic, but points out there is currently a group of people who keep pushing for votes until they get the answer they want. Seeks streamlined, decisive government. Thanks Commission. Adds that you can't please everybody, and doesn't want proposal to get bogged down in minutiae.

Jerry Guidera: Personally worked to create Commission. Believes there is room for town meeting-esque representation in mayoral system, and wants an organic system of recommending ideas. A mayor needs a manager, whereas a manager doesn't need a mayor. Favors mayor with manager, and sees this as inevitable. Believes the mayor will end up being a local. Received majority of feedback in favor of a mayor. Seeks a precinct-based system of advisory.

Ted Parker: Amherst is in its current state due to having a town manager. There is a backup of 4 capital projects because there is no mandate or political will. Bond rating obsession is false economy. A mayor doesn't preclude professional management.

Chris Riddle: Inquires as to whether the council needs 2/3 majority on bond issues and zoning in council-mayor setup.

Irma Gonzalez: Strongly supports a mayor as a political leader with vision. A clear choice for voters is good idea. Happy that Commission is taking that direction.

Churchill: Commends contributors on thoughtful input.

## **COMMISSION CONTINUE MAYOR VS MANAGER DISCUSSION**

Gage: Is there an impeachment capacity for the mayor? Can you protect employees from politically-inclined hire/fire decisions? The Mayor likely won't have personnel management skills. Who will run for mayor if it only pays \$80,000-90,000? Will people be prevented from doing their jobs due to political pressure?

Ward: The recall provision is equivalent to impeachment. You can remove the mayor between elections. The mayor of Fall River was recalled a year ago. It is rare for mayors to be recalled, and more common among select boards.

Stepasiuk: The positions a mayor appoints can come with an expectation of loyalty. Strong HR practices/ordinances can prevent retributive behavior.

Gage: Wary of unreasonable demands by mayor.

Churchill: Is it a role of the council to investigate mayoral misbehavior?

Stepasiuk/Ward affirms.

Grabbe: An administrator isn't a policy position. The new mayor would likely want to keep on a successful administrator. This happened in Greenfield.

Churchill: Can you structure administrator role with staggered term?

Stepasiuk: Typical to serve directly with mayor.

Ward: You can include merit principle provision that states all hiring is based on merit. It depends on how Charter is written whether it is easier to remove a mayor or manager.

Rueschemeyer: The big difference is just whether the council decides or the townspeople decide to recall.

Stepasiuk: About 43/56 municipalities have strong mayors with councils. There are 3 weak mayors with managers. 10 towns have town managers/administrators.

Churchill: Can you give an example of council-manager around here?

Stepasiuk: Longmeadow. Palmer.

Churchill: Would a 13-member council be much larger than most councils?

Ward: There's a range – the average is 9.

Rueschemeyer: Only 6 towns have 13-member councils.

Churchill: How does a council's ability to craft a vision change with size differences?

Stepasiuk/Ward: Hard to say. There have been many good things said on all sides, and there is no wrong answer. It depends on the culture and will of Commission.

Rueschemeyer: Can't see how the executive branch exists if there's just a manager.

Ward: Don't be concerned about manager lacking authority to implement council's directives. If the manager deviates, the manager can be dismissed.

Stepasiuk (to Hanneke): It is common that mayors hire administrative officer, but you don't have to include in charter.

There is discussion between Gage and Stepasiuk/Ward on whether the mayor could eliminate administrative officer position, and if mayor can manipulate employees. Stepasiuk/Ward will look into issue further but assure mayoral interference with employees is unlikely with a competent HR director. Weiss states that managers can be vindictive and hard on employees just the same as a mayor.

Churchill: Narkewicz suggested giving the mayor power to hire. Narkewicz has no chief administrative officer, but has department heads with specialized expertise. How common is that?

Ward: It's a mix. A chief of staff is lower paying with lower expectations. A COO or similar is a higher paying job, with a longer tenure of experience in local government, with a higher profile. Believes Amherst will continue to remain an attractive place for department heads no matter form of government.

Commission decides to roll call vote for their preferences. Rueschemeyer suggests to vote simply for mayor or manager now, and decide specifics of subordinated administrative position after. Churchill, Fricke, Grabbe, Hanneke, Rueschemeyer, and Weiss vote for mayor. Gage, Rhodes, and Stein vote for manager. Vote is 6-3 in favor of a mayor. Churchill calls for a break at 7.33pm. Churchill calls meeting to order again at 7.45pm.

## **CHARTER LANGUAGE DRAFTING, VARIOUS ARTICLES**

Stepasiuk: We will return to language sections in legislative article and move on through executive, and then get to citizen relief mechanisms. Has previously emailed a draft article regarding other elected officials to Commissioners.

### **SECTION 2-8**

Stepasiuk: I have put 2 different examples: Northampton and Newton, used as opposite ends of the spectrum regarding appointments of council. Northampton is barebones, while Newton's charter specifies the variety of positions council will appoint with salary information and legal assistance. Do you particularly want council or mayor to appoint specific positions? This is the section for those decisions.

Churchill: In Newton example, is the town clerk selected by Council? Stepasiuk/Ward: Yes.

Churchill: Comptroller is like an auditor, in this case put into council realm. Are town clerk and auditor civil service in Northampton? Ward: It is somewhat more common for town clerk and auditor to be appointed by council. Having an auditor appointed by council creates a check and balance on financial matters, with the ability to track money. Having an auditor appointed by mayor creates a more "coherent finance team." We consistently hear that it is difficult to operate without a coherent financial management structure.

Rhodes: What is the difference between the auditor and director of finance? Ward: The auditor has statutory responsibility, while the director of finance has broader responsibility. You can also combine the positions.

Rhodes: Amherst has an auditor. How is it different? Ward: You will always have a separate external auditor, usually selected by the mayor.

Churchill: We currently have a finance director working with the tax collector and comptroller. Stepasiuk: You can still have those positions.

Churchill: Suggests mayor appoints and council approves.

Rhodes: Can you provide an organizational chart? Stepasiuk: Yes, we can look into it with the administrative working group.

Fricke: The less specific the Charter, the better, because it provides flexibility. Stepasiuk: Appointments will default to the mayor without language specifying the council will appoint.

There is Commission majority agreement to emulate the Northampton charter and refrain from specific language about appointments.

### **SECTION 2-10**



Stepasiuk: We have Northampton language for example. This section essentially says that the Mayor will appoint department heads and multi-member bodies, for review and recommendation by council. Appointments will become effective on 45<sup>th</sup> day unless rejected. Can tinker with language, but this language is fairly common.

Ward: There is a spectrum from the mayor appointing everyone without approval, to the council needing a supermajority to approve every candidate. You can make it so the council has to vote yes, or that the council simply has to “not vote no.” Northampton language is middle of road.

Rueschemeyer: The language doesn’t include explicit mention of who votes?

Churchill: Do we need explicit language detailing ways of vetting candidates? Stepasiuk: Not typical to have that level of detail. Mayor and council can develop procedures.

Grabbe: Does it apply to police and fire chiefs? Stepasiuk: Yes, they are normally considered department heads. Most will have contracts.

Churchill: The mayor must respect existing contracts for department heads. Stepasiuk: Contracts prevent a new mayor from cleaning house.

Gage: Can a new charter cause someone’s job to be lost? Ward: Transition provisions will include a section saying the jobs continue unless otherwise stated.

Rueschemeyer: Seeks altering language to read “by majority of city council.” Stepasiuk: Clarifies that there will be a definition section of the charter for terms like “majority” to be explicitly defined. “A majority of” is added to language draft.

Fricke: Why can’t a candidate appointment be confirmed before 7 days? Ward: To make room for public response.

## **SECTION 2-11**

Stepasiuk: This concerns the filling of vacancies. Special elections will occur dependent on when the vacancy occurs. If there is a district councilor vacancy in the initial 20 months of his term, a special election is called. Stein: 20 months is too far into the term. Rueschemeyer: A year of the position not being filled is a lot.

There is a language change from 20 months to “18 months.” There is discussion of town-wide election specifics. Stepasiuk explains that a preliminary election reduces the number of candidates. Grabbe inquires as to whether rank-choice voting negates the need for a preliminary election. Stepasiuk suggests to leave the preliminary election as a placeholder for now, and Ward creates a note on document about rank-choice voting. Gage inquires about lowering voting age and is recommended to save inquiry for later.

## **SECTION 3-1**

Stepasiuk: Conceptually, Article 2 is finished. We move on to Article 3: the executive branch. Section 3.1 includes: mayor, qualifications, term of office, compensation, prohibitions. The most common mayoral term is 2 years, but the trend is towards 4-year terms.

Rueschemeyer: Why trend towards 4? Stepasiuk/Ward: Ability to implement vision, time to realize it. Campaign exhaustion.

Diane: What about starting with 2 years, then moving to 4? There is Commission consensus to keep mayoral term at 4 years, but to revisit possible 2 for transition.

Stepasiuk: Clarifies that compensation will go in transition provisions but this section discusses increases/decreases in salary. Clarifies that a supermajority is 2/3 of voting body.

Churchill: Wary of needing vote to determine politician's salaries. Can we intend for council to link mayoral salary to CPI? Ward: Never seen it, but it's interesting. Fricke: No other employees get CPI increases. Wary of only mayor getting one.

Commission concludes that a committee will review the salary of mayor.

Stepasiuk: Mayoral salaries can stagnate. Suggests committee reviews every 5 years.

Grabbe cites evidence that the Greenfield mayoral salary declined during Charter review. They set the salary higher than they expected to get, so they could lower it when objections were received.

Stepasiuk: We will make a note to create a review committee on compensation every 5 years. Should the vote on mayoral salary need a council majority or supermajority?

There is Commission consensus to include "2/3 vote" language for salary increase.

In the Prohibitions section the Collins Center informs the Commission they need to make a decision on the "cooling off period" prohibiting service after holding public office.

Gage: Can the mayor do consulting for out-of-town work? Stepasiuk: We can put a provision that Council has to approve outside work. Rueschemeyer: Is it legal to restrict outside work? Ward: Suggests retaining language about prohibiting mayor to hold another elected office.

There is Commission consensus to keep part (a) of Prohibitions section as is. There is also Commission consensus to change cooling off period for new employment or other municipal positions to "18 months."

### **Section 3-2**

Stepasiuk: The mayor has executive powers of the town, enforces bylaws, and supervises departments. Directs Commission attention to ex-officio membership of appointed multiple-member bodies, where the mayor can attend meetings without the ability to vote.

There is Commission consensus to maintain that language. There is discussion/clarification between Stepasiuk, Gage, and Churchill about composition of planning board and mayor participation. Stepasiuk: If the Planning Board is appointed, mayoral ex-officio membership extends there. Churchill: We could add a provision allowing mayor true membership of Planning Board.

Grabbe: Is it necessary to provide the mayor ex-officio memberships? Stepasiuk: It makes it easier. Gage: Why not have the mayor hold true membership on boards?

Stepasiuk: The administrative working group can bring a proposal to the whole Commission regarding Planning Board.

### **Section 3-3**

Collins Center recommends emulating Northampton language. Mayor shall appoint everyone for whom no other method of appointment is provided by Charter, and the Mayor will fill vacancies. There is Commission consensus to maintain the Northampton language provided by Collins Center.

Gage: Should we include a provision about disclosure requirements? Stepasiuk: Recommends viewing Framingham Charter disclosure requirements section. Weiss: What about the Sunshine Law? Stepasiuk: That is mostly for campaign funds.

Grabbe: Can you provide more details about Framingham? Ward: The language regarded local investments and jobs. Churchill: Can we streamline theirs while retaining the gist of it? Stepasiuk: You can direct the City Council to create a bylaw reflecting the essence of intended provision.

Commission members determine they will investigate Framingham law in the future.

### **Section 3-4**

Stepasiuk: Mayor can designate someone to perform duties on temporary basis if there is a vacancy, and that hire will only have necessary powers. The hire's term is 90 days max, with 2 extensions allowed which won't exceed 60 days.

Stein: Can you keep the position open for someone who falls ill? Stepasiuk/Ward: Can extend it to 120 days. Weiss: What's the point of extensions? Stein and Rueschemeyer seek Council ability to permit indefinite extensions. The Commission changes the language to "150 days, unless approved by council."

### **Section 3-5**

Stepasiuk/Ward: Part (a) essentially says the mayor can recommend things to Council and keep Council informed of condition of town. Part (b) says the mayor can call special meetings.

There is Commission consensus to add mandatory state-of-the-town address language. There is discussion of language about communication with citizens, and concern the language may be too prescriptive. The new language reads: "(d) Communications to Constituents; The Office of the Mayor shall no less than once a month communicate with the public by appropriate means." There is discussion over means of communication, frequency, and whether it comes from the mayor specifically or the mayoral office.

Churchill: There is potential to hold annual town forums on budget/state of the town, master plan, and schools. Gage: There is a history of people not attending forums.

There is discussion over the function of forums, means of presentation, and feedback opportunities for the public. The language is changed to read: "(e) Public Forum: The Mayor shall call at least 3 public forums each year addressing budget, the master plan, and schools. The intention of the public forums is to present the Town context, collect Town feedback, and alert the public to upcoming issues."

Gage: Wary of undermining neighborhood associations. It can be hard to assure attendance at forums. Stein: You don't have to make a separate forum for each topic. Stepasiuk/Ward: A good mayor will do outreach. Good counselors will passionately represent constituents' interests.

### **Section 3-6**

Stepasiuk: Summarizes that when something is approved by council, it is presented to mayor within 3 business days. The mayor has approval/veto power, and a veto needs a reason. The Council can override veto with 2/3 vote.

There is clarification on how long the mayor has to make a decision. There is consensus approval on affirming a 10-day window.

### **Section 3-7**

Collins Center explains that the Chair of the Council becomes acting mayor during a mayoral absence, with only the power to act as necessary. Council Chair can't vote on Council matters if he/she becomes mayor. There is clarification on what an absence entails. Vacation or period out of town isn't considered a temporary absence. There is Commission consensus that "two thirds of the members" need to agree that the mayor can't perform the duties of the office for him to be removed. There is clarification on the situation of disagreement between Mayor and Council on whether the Mayor is competent to continue. It is concluded that the mayor has no say in the matter if Council ousts him with 2/3 majority.

### **Section 3-8**

The Collins Center explains this section authorizes the mayor to delegate powers, functions, and duties. Mayor retains ultimate authority, but nothing shall authorize the mayor to delegate: powers of appointment, school committee functions, or approval/veto powers. There is consensus approval on maintaining this language.

### **Section 3-9**

The Collins Center explains the original language states that in a vacancy, the Council Chair shall serve as acting mayor. A special election will be held within 90 days, but if the regular election is scheduled less than 150 days in the future, no special election will occur. There is Commission consensus that at future date the language will be made consistent with at-large councilor vacancy language. There is clarification about what "removal" entails and if it is the same as impeachment. If Council Chair replaces mayor due to 2/3 council vote, is that considered "removal?" Commission doesn't want 2/3 vote to be mechanism for coup. Conclusion is that a special election will occur by default, and citizens can also petition for recall of anyone holding mayoral office.

## **PLANNING FOR UPCOMING MEETINGS**

Stepasiuk: Sent out updated version of email Churchill sent out. Not yet included in charter but desired by commission: resident engagement officer, neighborhood councils, public comment on policy, term limits, and more. There is clarification that citizen relief measures include petitions, initiatives, referendums, and recall. Also clarified is that participatory budgeting is included in finance and fiscal procedures.

Stepasiuk/Ward: Happy to have phone conferences with working groups, assign "homework" to working groups. Administrative working group will take a look at current structure of town and language.

Rueschemeyer: Possibly the Commission as a whole should start looking at administrative details.  
Churchill: Will send town organizational charts to Commissioners.

Gage: What is the scope of working groups? Stepasiuk: It is good to have people well versed in the finer details of particular topics.

Churchill: Planning and zoning is a topic of high interest and thus shouldn't be explored by any working group.

Rueschemeyer: What is occurring at next meeting?

Tanya: We are behind on citizen participation mechanisms, which is estimated to take 1/2 of next meeting. It would be great to get through school committee and other elected offices at the next meeting too.

There is a consensus among the Commission to accomplish that at next meeting.

Stepasiuk: Conceptual discussion on administrative organization is last on the to-do list for next meeting, but we will get to it if everything else is completed.

Ward: Suggests including the unique measure of writing a provision for early/mail-in local elections voting.

Churchill: Nominates Hanneke to continue to create one-pager for listening workshops.

Meeting is adjourned at 9.33PM.